

**From:** Hall, Lynda  
**To:** Waye, Don  
**Sent:** 5/19/2014 5:40:25 PM  
**Subject:** RE: 319 Grant Question

I don't think so as we've been too busy trying to figure out the answer to the question. As of this morning it seems clearer so that communication could happen later this week.

**From:** Waye, Don  
**Sent:** Monday, May 19, 2014 3:51 PM  
**To:** Hall, Lynda  
**Subject:** RE: 319 Grant Question

## Ex. 5 - Deliberative

**From:** Hall, Lynda  
**Sent:** Monday, May 19, 2014 3:21 PM  
**To:** Waye, Don  
**Cc:** Sweeney, Stephen; Solloway, Chris  
**Subject:** RE: 319 Grant Question

Just re-saw this email and think we should raise this to the group (at least managers and counsel) Ex. 5 - Deliberative

## Ex. 5 - Deliberative

**From:** Waye, Don  
**Sent:** Tuesday, May 13, 2014 9:55 AM  
**To:** Hall, Lynda  
**Cc:** Sweeney, Stephen; Solloway, Chris  
**Subject:** RE: 319 Grant Question

Lynda (cc only to Steve & Chris),

## Ex. 5 - Deliberative

Don Waye  
U.S. EPA - Nonpoint Source Control Branch  
Phone: 202-566-1170

**From:** Hall, Lynda  
**Sent:** Tuesday, May 13, 2014 8:42 AM  
**To:** Byrne, Jennifer; Sweeney, Stephen; Psyk, Christine; Carlin, Jayne; Wu, Jennifer; Waye, Don; Solloway, Chris  
**Subject:** Re: 319 Grant Question

That is incredible timing!

## Ex. 5 - Attorney Client

Thanks.

**From:** Byrne, Jennifer

**Sent:** Monday, May 12, 2014 8:21:18 PM

**To:** Sweeney, Stephen; Psyk, Christine; Carlin, Jayne; Wu, Jennifer; Hall, Lynda; Waye, Don

**Subject:** FW: 319 Grant Question

Incredible convergence in issues. Please see below, and offer your thoughts.

Jennifer Byrne

Office of Regional Counsel, EPA Region 10

206-553-0050, [byrne.jennifer@epa.gov](mailto:byrne.jennifer@epa.gov)

**From:** HICKMAN Jane [<mailto:HICKMAN.Jane@deq.state.or.us>]

**Sent:** Monday, May 12, 2014 3:51 PM

**To:** Byrne, Jennifer

**Cc:** WIGAL Jennifer

**Subject:** FW: 319 Grant Question

Hello, Jennifer, DEQ is engaged in its budgeting process and needs to do some contingency planning to address possible cuts to its 319 grant should EPA/NOAA disapproval of Oregon's CNSCP become final. We asked EPA for its position on the timing and amounts of such cuts last year, and I am forwarding you the email exchange Adam Coutu of DEQ had with EPA HQ on this subject. As you can see, Rick Seaborn didn't know about the timing and amounts of these potential funding cuts. Would you be able to facilitate getting a definitive answer from EPA, preferably in writing, on how these potential cuts in 319 funding would occur? I am writing to you because we thought this might be a legal question. Specifically, DEQ needs to know whether the 30% reduction to our 319 grant would be compounded each year DEQ lacks an approved program.

Here is the language from Section 6217 of the Coastal Zone Act Reauthorization Amendments of 1990:

(4) Withholding water pollution control assistance

If the Administrator finds that a coastal State has failed to submit an approvable program as required by this section, the Administrator shall withhold from grants available to the State under section 1329 of Title 33, for each fiscal year until such a program is submitted, an amount equal to a percentage of the grants awarded to the State for the preceding fiscal year under that section, as follows:

(A) For fiscal year 1996, 10 percent of the amount awarded for fiscal year 1995.

(B) For fiscal year 1997, 15 percent of the amount awarded for fiscal year 1996.

(C) For fiscal year 1998, 20 percent of the amount awarded for fiscal year 1997.

(D) For fiscal year 1999 and each fiscal year thereafter, 30 percent of the amount awarded for fiscal year 1998 or other preceding fiscal year.

The Administrator shall make amounts withheld under this paragraph available to States having programs approved pursuant to this subsection.

Thank you for any help you can provide with this. Jane

Jane K. Hickman  
Senior Legal Policy Analyst  
Oregon Dept. of Environmental Quality  
811 S.W. 6th Avenue  
Portland, OR 97204  
(503) 229-5555

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**From:** Seaborne, Rick [<mailto:Seaborne.Rick@epa.gov>]  
**Sent:** Wednesday, December 18, 2013 11:06 AM  
**To:** VanHaagen, Paula; COUTU Adam; Knittel, Janette  
**Cc:** Croxton, Dave; FOSTER Eugene P  
**Subject:** RE: 319 Grant Question

Adam, I think the short answer, as indicated by our HQ NPS Branch Chief, is that any reduction (which would occur only in the event CZARA CNP program were disapproved by NOAA/EPA) would probably apply to the FY 2015 319 funding. Given that state FY14 workplans are under development and in the approval process. But I'd advise that we work together early in 2014 to ensure the FY14 319 funds (currently under the FY14CR, later to be hopefully ID'd in a budget resolution), be added to the PPG- those which are owed- and to the upcoming 319 projects grant. This will require early submittal of DEQ's 2013 NPS annual report, our progress determination, and the 319 projects grant application. Hopefully with a budget and appropriation we will have the FY14 state 319 allocations sooner next year than has been the case in past years which can help push that award schedule ahead.

I believe the 30% reduction applies to a CZARA disapproval for first year. But I don't think we yet know how the reduction would specifically be applied in subsequent years during which CZARA remains unapproved (hopefully there would not be a need to test this scenario!).

Rick

Rick Seaborne  
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**From:** VanHaagen, Paula  
**Sent:** Wednesday, December 18, 2013 9:25 AM  
**To:** COUTU Adam; Knittel, Janette; Seaborne, Rick  
**Subject:** RE: 319 Grant Question

Hi, Adam,  
I don't know the answers off hand. Maybe Rick does. One of us will get back to you soon with an answer.

Paula

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**From:** COUTU Adam [<mailto:COUTU.Adam@deq.state.or.us>]  
**Sent:** Wednesday, December 18, 2013 9:16 AM  
**To:** Knittel, Janette; VanHaagen, Paula  
**Subject:** 319 Grant Question

Season's Greetings, Janette and Paula:

Greg Aldrich asked me to research a question regarding our 319 allotment and the Coastal Zone Act Reauthorization Amendments. He asked, if EPA disapproves Oregon's nonpoint pollution control program in May 2014, when would Oregon begin to see a reduction in our annual 319 allocation? Retroactive to October 1, 2013? Starting in FY2015 (October 1, 2014)? Greg just wants to understand the potential impacts and the timing.

Also, could you clarify for me how the reduction would occur? Is it a reduction of 30% in the first year, then a reduction of 30% of the reduced amount in the second year, etc.?

Thank you,

Adam Coutu  
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Oregon Department of Environmental Quality  
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